

GUILTY, SAYS CAPT. FRANKLIN

ARMY OFFICER SENTENCED TO
2 1/2 YEARS IN PRISON.

"I was a Good Soldier," says the Defendant Weeping—Wife, Mother and Child
Sick—Said Pending Appeal on the
Point of Civil or Military Jurisdiction.

Capt. Thomas Franklin, U. S. A., pleaded guilty yesterday in the United States Circuit Court of embezzling Government money and presenting false vouchers for approval while stationed at West Point as commissary and treasurer from 1907 to 1909, and was sentenced by Judge Hand to serve two years and six months in the Federal prison at Atlanta. He wept bitterly as he received the sentence. Before it was pronounced he had been asked if he had anything to say.

"I would like to say," he began in a husky voice, "that, both my counsel and Mr. Wise have spoken well of my army record. During the six years that I was stationed at West Point I handled very large sums of money, but the amount that has been stated as that I had taken is not correct—the actual amount not exceeding \$700. These gentlemen," turning to Col. Hull and Major Winship, who represented the War Department in the proceedings, "are wrong in stating that I took between \$10,000 and \$14,000. You ought to know specifically what the amount was," he said, addressing the two officers directly. "It is hardly fair that I should be wronged in regard to that."

"My predecessor," continued Capt. Franklin, "turned over to me on taking office only \$80. At the end of the month the bills for the supplies couldn't be paid. I succeeded in getting credit until January, and if it hadn't been for that we would have gone into bankruptcy. It was only the credit of a hundred years of honest dealing that made this possible. At the end of my six years of service I turned over to my successor \$90,000 in hard cash in addition to stock in the laundry, the mess and elsewhere aggregating \$65,000. I did well there. The cost of board to the cadets was kept down better than ever before. In the time I was there I handled in actual cash over \$2,000,000. I bought everything myself. The total embezzlement couldn't have amounted to more than \$4,000, of which I received not more than \$700. I yielded to something that is hard to explain in itself. I was a good soldier before I went into the subsistence department," and here the unhappy man began to weep.

But he soon recovered his self-control and continued: "My transgressions stopped in August, 1909. I was sent to the Philippines and there took charge of the subsistence work. I was treasurer too of the Army and Navy Club in Manila, in which capacity I received thousands of dollars in subscriptions. My accounts were all rigidly examined in both offices before I left and they were found to be right in every particular. I only say this, your Honor, to show you that I held responsible positions after my work at West Point, and from that day (August, 1909) I have not done one thing that was wrong."

Judge Hand was visibly affected, as were all the spectators. Both Capt. S. T. Ansell, Capt. Franklin's counsel, and United States Attorney Wise had previously spoken in the most flattering terms of Capt. Franklin's military record.

"This is not a pleasant duty for me to perform, your Honor," said Mr. Wise. "Capt. Franklin served with my father and I have been in the army myself. This man is one of force and ability. He has come up from the lowest to the highest estate, and every private soldier looked up to him as an example to be emulated in every respect. He was held in universal respect and esteem, probably more so than any other officer in the service. The duty he owed, therefore, to the service was to be loyal to the patient, and at the same time made the Sergeant as comfortable as possible. A cottage was built for him and there he had every possible attention. Special physicians were sent to Fort Screven and carloads of apparatus were carried to the island and set up, including an X-ray machine and violet ray machine. The sergeant submitted with patience every treatment. Dr. J. A. Gilchrist, U. S. A., was sent to the island for several years and made an exhaustive report on his case. Dr. Reuben Miller, another army surgeon, also had him in charge for a time, as did Dr. Howell. All of these doctors gave the patient the most advanced treatment, even bringing medicines from India, where the British army has occasion to fight leprosy occasionally. The opinions of the best surgeons in the British army were secured and the remedies they suggested were applied. They availed nothing except to retard the progress of the disease."

"Is there no record of all this?" asked Judge Hand.

"There is only the record of this man, who was trusted by every one in the War Department," replied Mr. Wise. "This man must be punished. His delinquencies extend over a period from 1902 to 1908. Now, your Honor, there are three indictments outstanding against Capt. Franklin. The first contains three counts, on each of which a maximum penalty of five years is to be imposed. The two other indictments contain all nine counts, but they are the same in substance as the counts in the first indictment so that I will not press any but the three counts."

"In fixing a penalty I shall consider only the one general charge of embezzlement," said Judge Hand.

Mr. Wise agreed to this, saying that he desired no blood. Capt. Ansell made a long and earnest plea on behalf of Capt. Franklin, the burden of his remarks being that dismissal from the army in disgrace was in itself a sufficient punishment. In some detail the lawyer went over the life and services of his client from the time when as a struggling young man without means he entered the army as a private in the Twenty-third Infantry in 1892, to rise through the ranks of corporal, sergeant, sergeant-major and Second Lieutenant to Captain. In all these steps the young soldier had to be strongly recommended by his superior officers, said the lawyer.

Capt. Ansell read a long brief containing extracts from statements made by various officers attesting to the esteem

WETTEST DECEMBER DAY

AND WIND THAT BLEW A WOMAN
IN FRONT OF A CAR.

Her Umbrella Behaved Like a Skate Sail—She's Badly Hurt—Taxicab and
Falling Sign Fell Others—Three
Inches of Rain and One Inch of Snow.

Last night was the wettest New York had for a long time. Up to midnight more than three inches of rain had fallen, not counting in the inch of snow that fell up to 10 A. M. Three inches is regarded as a heavy rainfall even in the spring, and while the man at the Weather Bureau last night couldn't say whether any records had been smashed without getting out of his books, he was pretty certain that yesterday was the wettest December day for years.

The storm began here at 10:20 o'clock Sunday night with the wind northeasterly. Yesterday forenoon the wind veered to the east and sent the temperature up from a little above the freezing point to 50 degrees, where it stayed most of the day. The easterly wind and the rain were holding out strong last night, but the Weather Bureau in sending out a forecast of a change from rain back to snow to-day was figuring on a change of the wind to southeast. The bureau isn't banking on a lull of the rain, however.

New York wasn't the only wet spot along the Atlantic coast. Washington, for instance, and other cities south of here had more rain than New York. The rainfall at Washington was 2.18 inches at 8 o'clock last night, at which time New York had only 1.82.

The wind was strong enough yesterday afternoon to blow a woman in front of a street car at Eighth avenue and Forty-fourth street. Mrs. Susan Rufer left her home at 321 West Forty-third street, to go to a Broadway dentist's office. When she reached Eighth avenue she stood close to the track waiting for a car to pass. A gust tugged at the umbrella in her hands. She lost her balance and stepped across the road. The front of the car struck her left leg. She was thrown several feet and struck on her head. She recovered consciousness in a drug store and told Dr. Brewster of Flower Hospital that she wanted to be taken home.

A few minutes after the ambulance reached her house she lost consciousness again. She had concussion of the brain and her hip was badly bruised. Last night her husband, Frederick Rufer, an automobile mechanic, said that the physician whom he had called thought the chances of recovery were against her.

Mary Childs, a saleswoman of 320 West Ninety-third street, got in front of a taxicab in Long Acre Square early last evening. Her forehead was cut and her chest bruised when she fell. She was holding an umbrella close to her face as she crossed from Broadway to Seventh avenue in the open space at Forty-third street. The chauffeur, William Minger of 228 East Forty-second street, was arrested.

The wind displaced a big wooden sign on the sixth story of a building at 738 Broadway at 5:30 o'clock last evening. Although the sign was 50 feet long and 4 feet high only two persons were in the way as it hit the sidewalk. Morris Weisman, 422 Second street, Brooklyn, was struck on the foot. Several bones were broken. He was taken to St. Vincent's Hospital. A young woman whose name was recorded by the police as Jennie Trowillian of 101 Stanton street, a dressmaker, was bruised a little, but was able to go home.

Peter Xipps of 132 West Twenty-eighth street, crossing Seventh avenue at Thirty-fifth street last night, was struck by a taxicab. The front wheels passed over him.

The chauffeur, William Mahoney of 174 East Eighty-eighth street, put on the brakes, but the car skidded on the wet pavement and Xipps was dragged more than fifty feet. He was taken to the New York Hospital seriously hurt. Mahoney was arrested. He said the wind and rain had made it impossible for him to see Xipps.

The Weather Bureau's valuation of "rain or snow" for yesterday moved an area of depression in a poet's soul and ere long came this fragment of a song:

"It fills us with amazement, the things the prophets know! They very nearly hit it predicting rain or snow. For two days they persisted in saying rain or snow and finally the snow came and rain began to blow. They might have scored a hit by changing their refrain and mildly intimating we might have snow and rain. The records of December would help them to attain some honor in their country—snow often turns to rain. They need forms more elastic, these funny weather chaps, like 'Maybe' 'will be warmer or cooler, or—Perhaps.'"

TO TEACH AUSTRIANS TO FLY.

Morris Baker Accepts Government Offer
for Aeronautical Experiments.

Morris Baker, an aeroplane inventor, said yesterday that he would sail on December 22 for Austria, where he has been engaged by the Government to make aeronautical experiments. Mr. Baker said that he had been in correspondence with the Government authorities for several months and had received notice to take charge of the work in January.

Mr. Baker said that he has plans for a new type of biplane that insures automatic equilibrium. He said that there will be no infringement of patents on any other flying apparatus.

He was not at liberty, he said, to talk of the scope of his work. About a year ago he built a triplane which was wrecked in making the first trial. With this machine he took the \$500 prize offered at the Arlington aeronautical carnival for the best constructed aeroplane.

While abroad Mr. Baker will also represent the Aero Club of America and will secure entrants for the international meet to be held in this country next year. He will carry on his experiments at Vienna.

Southwestern Limited via New York Central
Leave at 8:15 P. M. for Chicago, St. Louis, St. Paul, and other points.
Phone 610 Madison, N. Y.

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BARGE AND CAPTAIN LOST.

Craft Turned Turtle in the Gate That Is
Piercing the Jersey Coast.

ATLANTIC CITY, N. J., Dec. 13.—Caught in the westerly gale that is driving big breakers into every harbor entrance on the coast, a barge loaded with stone and in charge of Capt. Martin Cooper turned turtle while being towed into Cold Spring Inlet, between this city and Cape May, this morning.

Other men aboard the craft jumped overboard in order to clear the wreck, but Capt. Cooper stuck to his vessel and was carried down with her. The body was not recovered. The members of the crew were picked up by life savers from Cold Spring station suffering only from cold and exposure. The barge was owned by the Philadelphia Transportation and Lightering Company and was valued at \$5,000.

The storm is the fiercest of the year. Government shore patrols have been doubled to keep watch for vessels that may be caught in the gale and mist hanging off the shore. Rain falling in torrents has flooded the streets and only the hardy have been able to take the high winds and rain on the Boardwalk.

Admission to Atlantic City
Buses for night, 10 to 11:30 P. M.
Phone 610 Madison, N. Y.

DYING, SMOKED A CIGARETTE.

Cancer Hospital Patient's Bath Robe
Caught Fire From the Sparks.

Francis Clark, a retired coal dealer of
Boonton, N. J., died yesterday at the Skin
and Cancer Hospital, Nineteenth street
and Second avenue. The Board of Health
refused to issue a death certificate and the
Coroner's office was notified. Last night
permission was given for the removal of
the body.

Clark was a patient of Dr. William Bainbridge of 34 Gramercy Park, secretary of the hospital. On Saturday he asked for a cigarette and the physicians allowed him to have it. Clark was dying then, they said. He was sitting beside his bed and wore a bathrobe. Sparks from the cigarette ignited the robe. A nurse put out the fire. Clark was burned slightly on the shoulder. When Dr. Bainbridge made out the death certificate he gave the causes as cancer of the stomach and burns. For the latter reason the Board of Health called in the Coroner.

After a talk with Miss Sarah Burns, superintendent of the hospital, and with Dr. Bainbridge, Coroner's Physician O'Halloran last night said that death was not due to the accident in any way.

SAVE WOMAN AND CHILD.

Both Tried by Flames Before Firemen
Raised Their Ladder.

Mrs. Lucy Groll was lying down in her home on the top floor of 145 East Fifty-third street yesterday afternoon when her seven-year-old son Joseph came running into the room crying "Fire!" About the same time there were several explosions in the saloon down stairs as barrels of liquor gave way.

Taking the boy by the hand Mrs. Groll ran to the fire escape in the rear. The flames were pouring out of the windows beneath her and she saw that they could not escape that way. She opened the door into the hall, only to find that the stairs were ablaze. Flames puffed into the room and she fell back, her hands and face burned. The boy too was burned by the rush of fire, but he joined his mother at the front window.

Hook and Ladder 2 arrived. Firemen William Sythes and James Duggan ran up the ladder. Sythes passed the boy back to his companion and took charge of the woman himself. It was a dangerous climb back down the slippery ladder, for Mrs. Groll weighs nearly 200 pounds and had fainted.

Dr. Hughes of Flower Hospital found the woman and boy both burned about the hands and faces, but they refused to go to the hospital and were taken to the home of Joseph Groll, 618 Lexington avenue, another-in-law of Mrs. Groll and owner of the burned building.

A second alarm brought Chief Croker. Besides burning out the building where it started the fire spread to the top floor of 145, a furnished room house kept by Mrs. Nattie Altmyer. The damage was \$15,000.

A second ambulance from Flower Hospital collided with a delivery wagon and had to put back for repairs.

25 PER CENT. GOES IN GRAFT.

Judge Reports on Wholesale Municipal
Corruption in Montreal.

MONTREAL, Dec. 13.—Judge Cannon's report on the civic administration of Montreal following his investigation of last summer was made public today. In a general way it censures the whole of Montreal's administrative methods. He does not censure any particular man, but goes after the whole system. His conclusions are in part:

"For years, the period covered by this inquiry, corruption has reigned in the administration of the Montreal City Hall. This corruption has been caused above all by the patronage exercised by the Aldermen in their committees and in the Council in favor of their relatives and partisans. The last receive contracts, benefits and positions to the detriment of the general interests of the city."

The Judge says that over 25 per cent. of Montreal's money has been wasted every year in graft and patronage and suggests that the City Council of 1910 take steps to prosecute criminally or civilly all those concerned who resort to the commission of wrongdoing have been during the session of the commission.

GALE DARKENS STATEN ISLAND.

Fifty Mile Blow Plays Havoc With Electric
Light Wires.

A large part of Richmond Borough was in darkness last night because of the blowing down of electric wires. Before 11 o'clock 125 breaks and hanging wires had been reported. The East Shore was almost entirely without electric service and most of the stores closed early because they had no means of lighting except candles and oil lamps.

Along the waterfront the tide was exceedingly high. Front street Stapleton was under water for the first time in many years. At St. George the ferryboats had great difficulty in making landings owing to the high tide and the rough sea. At times it was estimated that the wind was blowing at the rate of fifty miles an hour. Boats were carried out their course and were late in getting to the slips.

FOR NEGRO EXPOSITION.

Proposed Celebration of 50th Anniversary
of the Emancipation Proclamation.

WASHINGTON, Dec. 13.—Senator Depew today introduced a bill providing that the Government participate in an Afro-American exposition in celebration of the fiftieth anniversary of the proclamation of emancipation.

The bill authorizes an appropriation of \$250,000 for Government participation in the semi-centennial celebration. A commission is contemplated by the bill to be known as the "Centennial Emancipation Commission" and which is to consist of the Secretary of the Treasury, War and Navy. The commission is authorized to work in cooperation with the American Emancipation Exposition Company, Savannah, Ga., which has taken the initiative in the matter of celebrating the semi-centennial of the emancipation proclamation.

Senator Depew's bill recites that "great benefits have resulted and astonishing property has been made to the persons emancipated and their descendants as well as to the whole American nation, all of which should be made manifest to the country and the whole world by a suitable exposition."

Cardinal Gibbons urged Catholics to use the
National of Gibbons. John Murphy Co. Pub-
lishers. For sale Book and Dept. Stores.
Adm.

KING LEOPOLD AWAITS DEATH

TOUCHING FAREWELLS BY AGED
MONARCH'S BEDSIDE.

Belgian Ruler Calm and Courageous—
Suffering Great Pain—Says He Is
Going on Long Journey—Thanks Old
Official—Farewell Hope Operation.

Special Cable Despatch to THE SUN.
BRUSSELS, Dec. 13.—Fully conscious but in a state of extreme physical weakness Leopold, King of the Belgians, lies expecting death. Extreme unction has been administered to him at his own request.

Reports from the palace say that the aged ruler is calm and shows not the slightest fear for the future. While suffering excruciating pain he bears up with remarkable fortitude and displays a courage that is admirable.

He greeted his physicians this morning with perfect serenity and to one of them said:

"I am going to make a long journey soon."

Later, to a member of his family who stood by his bedside he remarked:

"I fear my end is near."

The King uttered no complaints. During the day he discussed his private affairs with a notary. In spite of protests on the part of his family he insisted upon attempting to deal with some affairs of state. This afternoon he bade farewell to a number of court officials, notably the Court Marshal, Count Doulmont, to whom he said:

"You have served me well for more than twenty years and I want to give you my thanks before I die. I am very grateful to you."

The Count was greatly agitated and left the room weeping bitterly.

The most affecting interview of the day was that between the King and his favorite daughter, Clementine. He kissed her a number of times and tried to console her. She was terribly distressed and was led away half fainting. It is reported that his eldest daughter, Louise, Princess of Saxe-Coburg and Gotha, from whom he has been completely estranged, has telegraphed asking for a final interview, but it is not even known that a reply has been sent.

Thus far the physicians in attendance have been able only to reduce the acute pain of the royal patient's pain. The intestinal obstruction which lies at the root of the King's illness has not been relieved, and unless this is accomplished before morning the surgeons will reluctantly perform an operation with the forlorn hope of saving the monarch's life.

The King is fully aware of the danger which will attend an operation at this time. He knows that it is likely to kill him. Owing to the obstruction he has been unable for two or three days to take any food other than a small quantity of thin soup, and for this reason an operation is regarded as the only hope.

From early morning the condition of King Leopold was regarded as very grave. According to one report from the castle his death might be expected within twenty-four hours. This, however, was followed by another report which said that death was not so imminent and telling that the physicians had decided to perform an operation to-morrow.

Cardinal Mercier, Archbishop of Mechlin, administered the last sacrament this morning. At the time the King's physicians were in consultation to decide upon an operation. The Archbishop and physicians remained in the King's bedchamber all last night.

It is stated here to-night that the Pope has sent the papal benediction to King Leopold.

FIFTY YEARS IN PRISON.

Little Hope That Connecticut's Oldest
Convict Will Be Pardoned.

HARTFORD, Dec. 13.—John Warren, who has been in prison for half a century, had an eloquent advocate before the Board of Pardons to-day in his appeal for freedom in ex-Gov. George P. McLean, whose name as an orator is more than Starbuck. He said in part:

"Better men have been hanged and worse men have doubtless been sent to the Continental Congress than John Warren. As a member of the Board of Pardons I voted twice against the pardoning of Warren. No doubt Warren's crime was a case of brainstom pure and simple, and those cases did not work in three days as they do now."

"Society can have nothing to fear from the release of Warren. His punishment has been little short of terrible; it is unthinkable. Society has had all it can claim from John Warren."

Warren has received 100 months by good conduct, and if these are added to his fifty years it will make the time he has spent in prison so much longer. If you eliminate the State Prison, the sentence something else will take its place, and that something will be desperation. When he was sent to prison for life instead of being executed," asked Mr. Seymour.

The punishment of State Prison for fifty years is much more severe than if he had been hanged," replied Gov. McLean. Gov. McLean said that if he had a vote on the case he would vote for Warren's release.

When the responsibility was on you as a member of the board you didn't, however," remarked Mr. Seymour. "I have always said that when Warren was in fifty years it was beyond me. I am not an expert in eternal punishment," replied McLean.

The State Attorney Charles Phelps of Tolland county said he was willing to take the responsibility of recommending the release of Warren.

The board adjourned till Monday without rendering a decision, but it may be said positively that Warren will not be released.

TWENTIETH CENTURY WRECK.

Eastbound Train in Collision at North-
east, Pa.—May Be 6 Dead.

BUFFALO, N. Y., Dec. 14.—The eastbound
Twentieth Century Limited, the eighteen
hour train between Chicago and New
York, ran into the rear of Lake Shore No.
10 at 11 o'clock last night at Northeast,
Pa.

The hospitals at Erie report that six bodies have been recovered from the wreck, but the Lake Shore despatcher in this city said at 2 o'clock this morning that there were no dead.

The wires west of Buffalo, both telegraph and telephone, are down because of the storm and it is difficult to get any accurate information.

SMOKE MASK FOR FIREMEN

Didn't Work Last Night, but Order Will
Have It Tried Again.

A new smoke mask for firemen was tried last night at a fire in the paper box factory of H. Jacobs at 211 West 107th street. Lieut. Michael J. O'Donohue, of Truck 30 put the mask on three times, but was unable to make it work.

On the third try when O'Donohue was on the second floor of the building the smoke became so dense that he was nearly overcome.

The mask is a leather helmet that is slipped over the head. A separate harness holds an air tank of 300 pounds pressure to be slipped over the shoulder of the fireman. The valve of the tank could not be adjusted by O'Donohue. The firemen think the mask may prove valuable after it is tested thoroughly.

The fire did \$5,000 damage.

USE OF THE MAILS DENIED.

Fraud Order Against Harry B. Wooding
at Council Bluffs, Ia.

WASHINGTON, Dec. 13.—The Post Office Department has put the kibosh on Harry B. Wooding of Council Bluffs, Ia., and denied him the use of the mails. According to post office inspectors, Wooding has been doing a large business in the sale of photographs. Many advertisements inserted by him in papers are filed as exhibits in the case. One of them reads:

"A nature made them. Photos of beautiful forms. Sealed 25 cents. Senders of 25 cents received a photo of a grove of trees. Another advertisement is:

"Night scene is a hotel. Sealed 25 cents. Senders of money for the night scene received a photograph of a man and woman dusting and cleaning a bedroom. To other advertisements the senders of money received ordinary photographs. The inspectors say that Wooding has done an enormous business."

PARIS-NEW YORK TELEPHONE?

Wireless Test—De Forest Electric Talk
From Eiffel Tower to Mutual Life.

Special Cable Despatch to THE SUN.
LONDON, Dec. 13.—The Daily Mail is authority for the statement that within a few weeks apparatus will be installed which it is successful as experiments indicate will enable the carrying on of verbal conversation between the Eiffel Tower in Paris and the Mutual Life Building in New York.

The De Forest system of etheric telephony will be used.

LEAVES IT TO GAYNOR.

McClellan Won't Vote for Any Large Ap-
propriations Now.

On the suggestion of Mayor McClellan the armory board decided yesterday to leave to the incoming administration the selection of a site for the new Eighth Regiment Armory. The property which the board has had under consideration is between 180th street, Aqueduct avenue and Kingsbridge road. It is estimated that the site would cost about \$800,000.

"With only seventeen